

Docket No.  
P07 42029

# Declaration For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A Herpes Simplex Virus Type 1 (HSV-1)-Derived Vector for Selectively Inhib. Malig. Cells and Methods for Its Use to Treat Cancers and to Express Desired Traits in Malignant and Non-Malignant Mammalian Cells**

the specification of which

(check one)

is attached hereto.

was filed on April 26, 1999 as United States Application No. or PCT International Application Number 09/299,817  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

### Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

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(Application Serial No.)

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(Filing Date)

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(Application Serial No.)

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(Filing Date)

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(Application Serial No.)

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(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

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(Application Serial No.)

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(Filing Date)

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(Status)

(patented, pending, abandoned)

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(Application Serial No.)

---

(Filing Date)

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(Status)

(patented, pending, abandoned)

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(Application Serial No.)

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(Filing Date)

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(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <b>Steven L. Wechsler</b>	Date
Sole or first inventor's signature 	6-18-99
Residence 4401 Sevenoaks Court, Westlake Village, CA 91361	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of second inventor, if any <b>Anthony B. Nesburn</b>	Date
Second inventor's signature 	6/18/99
Residence 18128 Wakecrest Drive	
Citizenship Malibu, CA 90265	
Post Office Address Same as above	

Full name of third inventor, if any <b>Guey-Chuen Perng</b>	Date
Third inventor's signature 	6-18-99
Residence 217 South Fifth, Apt. A, Alhambra, CA 91801	
Citizenship Taiwan	
Post Office Address Same as above	

Full name of fourth inventor, if any <b>John S. Yu</b>	Date
Fourth inventor's signature 	6/17/99
Residence 1929 Linda Flora Drive, Los Angeles, CA 90077	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of fifth inventor, if any <b>Keith L. Black</b>
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Fifth inventor's signature
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Date <b>6-22-89</b>
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Residence <b>1233 Roberto Lane, Los Angeles, CA 90077</b>
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Citizenship <b>U.S.A.</b>
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Post Office Address
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Same as above
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Full name of sixth inventor, if any
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Sixth inventor's signature
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Date
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Residence
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Citizenship
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Post Office Address
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Full name of seventh inventor, if any
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Seventh inventor's signature
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Date
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Residence
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Citizenship
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Post Office Address
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Full name of eighth inventor, if any
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Eighth inventor's signature
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Date
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Residence
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Citizenship
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Post Office Address
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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.  
P07 42029

Serial No.	Filing Date	Patent No.	Issue Date
09/299,817	04/26/99	-	-

Applicant/ **Steven L. Wechsler, Anthony B. Nesburn, Guey-Chuen Perng, John S. Yu, and Keith L. Black**  
Patentee:

Invention: **A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY  
INHIBITING MALIGNANT CELLS AND METHODS FOR ITS USE TO TREAT CANCERS AND  
TO EXPRESS DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **CEDARS-SINAI MEDICAL CENTER**

ADDRESS OF ORGANIZATION: **8700 Beverly Drive**

**Los Angeles, CA 90048**

TYPE OF NONPROFIT ORGANIZATION:

- University or other Institute of Higher Education
- Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- Nonprofit Scientific or Educational under Statute of State of The United States of America  
Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_
- Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America  
Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_
- Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America  
Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification to be filed herewith.
- the application identified above.
- the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern or organization exists.
- each such person, concern or organization is listed below.

FULL NAME

ADDRESS

Individual       Small Business Concern       Nonprofit Organization

FULL NAME

ADDRESS

Individual       Small Business Concern       Nonprofit Organization

FULL NAME

ADDRESS

Individual       Small Business Concern       Nonprofit Organization

FULL NAME

ADDRESS

Individual       Small Business Concern       Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Peter E. Braverman, Esq.

TITLE IN ORGANIZATION: Cedars-Sinai Medical Center

ADDRESS OF PERSON SIGNING: Senior Vice President for Legal Affairs and General Counsel

SIGNATURE:

DATE:

4/22/99

A S S I G N M E N T

WHEREAS, Steven L. Wechsler of Westlake Village, CA; Anthony B. Nesburn of Malibu, CA; Guey-Chuen Perng of Alhambra, CA; John S. Yu and Keith L. Black both of Los Angeles, CA; Assignors, have invented a new and useful **A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND METHODS FOR ITS USE TO TREAT CANCERS AND TO EXPRESS DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS** for which an application for United States Letters Patent was executed on April 26, 1999, Serial No. 09/299,817; and

WHEREAS, Assignors believe themselves to be the original and joint inventors of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, Cedars-Sinai Medical Center, a non-profit, public benefit corporation, having a place of business at 8700 Beverly Boulevard, Los Angeles, California 90048, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, their legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment.

Assignors,

Date: 6-18-99

Steven L. Wechsler

Date: 6-18-99

Anthony B. Nesburn

Date: 6-18-99

Guey-Chuen Perng

Date: 6-17-99

John S. Yu

Date: 6-22-99

Keith L. Black

State of California

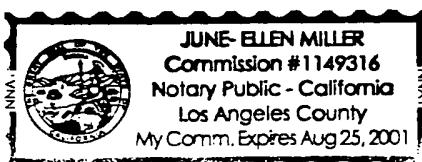
}

County of Los Angeles

} ss.  
}

On this 18<sup>th</sup> day of June, in the year of 1999, before me personally appeared **Steven L. Wechsler**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.



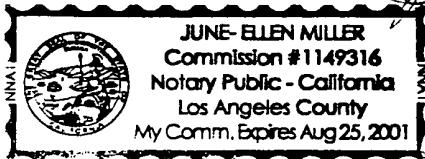
*June-Ellen Miller*  
Notary Public in and for Said  
County and State

State of California }  
                       }  
                       ss.  
 County of Los Angeles }

On this 18<sup>th</sup> day of June, in the year of 1999, before me personally appeared **Anthony B. Nesburn** personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

*June - Ellen Miller*



Notary Public in and for Said  
County and State

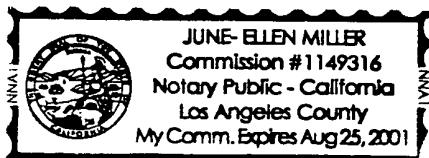
State of California }  
                       }  
                       ss.  
 County of Los Angeles }

On this 18<sup>th</sup> day of June, in the year of 1999, before me personally appeared **Guey-Chuen Perng**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

*June - Ellen Miller*

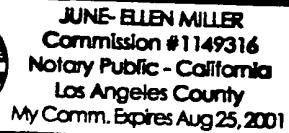
Notary Public in and for Said  
County and State



State of California                                    }  
     }  
     ss.  
     }  
     County of Los Angeles

On this 7<sup>th</sup> day of JUNE, in the year of 1999, before me personally appeared **John S. Yu**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

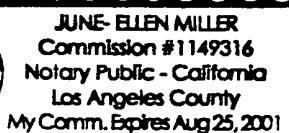


*June-Ellen Miller*  
 Notary Public in and for Said  
 County and State

State of California                                    }  
     }  
     ss.  
     }  
     County of Los Angeles

On this 22<sup>nd</sup> day of JUNE, in the year of 1999, before me personally appeared **Keith L. Black**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.



*June-Ellen Miller*  
 Notary Public in and for Said  
 County and State

P07 41735

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steven L. Wechsler; Anthony B. Nesburn, Guey-Chuen Perng,  
John S. Yu and Keith L. Black  
Serial No. 09/299,817  
Filed: April 26, 1999  
For: A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR  
FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND  
METHODS FOR ITS USE TO TREAT CANCERS AND TO EXPRESS  
DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT  
MAMMALIAN CELLS

Examiner: Unassigned  
Unit: --

**POWER OF ATTORNEY**

Assistant Commissioner for  
Patents  
Washington, D. C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D. C. 20231, ON <u>7/21/99</u>	
BY	DATE
<u>ANN WEISS</u>	
7/21/99	
(DATE OF SIGNATURE)	

Dear Sir:

The undersigned assignee of the entire interest in the above-identified patent application hereby appoints the following attorneys and/or agents, Laurence H. Pretty, Esq., 25,312; Robert A. Schroeder, Esq., 25,373; Edward G. Poplawski, Esq., Reg. No. 33,439; Jeffrey F. Craft, Esq., Reg. No. 30,044; Richard A. Wallen, Esq., Reg. No. 22,671; Michael J. MacDermott, Esq., Reg. No. 29,946; Anne Wang, Esq., Reg. No. 36,045; Paul D. Tripodi, Esq., Reg. No. 40,847; Marc E. Hankin, Esq., Reg. No. 38,908; Donald C. Kordich, Esq. Reg. No. 38,213; J. Christopher James, Esq., Reg. No. 40,660; Viviana Amzel, Esq., Reg. No. 30,930; Daniel C. Mallory, Esq., Reg. No. 33,532; Michael L. Crapenhoft, Esq., Reg. No. 37,115; and Nisan A. Steinberg, Esq., Reg. No. 40,345, to prosecute and transact all business in the US Patent and Trademark Office relating to this application, this appointment

to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

Please send all future correspondence to:

Edward G. Poplawski, Esq.  
PRETTY, SCHROEDER & POPLAWSKI  
444 South Flower Street- 19th Floor  
Los Angeles, CA 90071

and direct all telephone calls to: Nisan A. Steinberg, Esq., Ph.D. at Ofc: 213/622-7700 Fax:  
(213) 489-4210.

Respectfully submitted,

CEDARS-SINAI MEDICAL CENTER

Dated:

6/23/99

  
Peter E. Braverman  
Senior Vice-President for  
Legal Affairs and General Counsel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steven L. Wechsler; Anthony B. Nesburn, Guey-Chuen Perng,  
John S. Yu and Keith L. Black  
Serial No. 09/299,817  
Filed: April 26, 1999  
For: A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR  
FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND  
METHODS FOR ITS USE TO TREAT CANCERS AND TO  
EXPRESS DESIRED TRAITS IN MALIGNANT AND NON-  
MALIGNANT MAMMALIAN CELLS

Examiner: Unassigned  
Unit: --

**CERTIFICATE UNDER 37 C.F.R. 3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO PROSECUTE**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Cedars-Sinai Medical Center

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of chain of title from the inventor, of the patent application identified above, to the current assignee as shown below:

1. From: Steven L. Wechsler; Anthony B. Nesburn, Guey-Chuen Perng, John S. Yu and Keith L. Black  
To: Cedars-Sinai Medical Center

The document was executed on 5/7/99, 6/15/99, 6/22/99 and submitted for recordation on 7/21/99 with the Patent and Trademark Office. A copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further,

that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 6/22/99

Name: Peter E. Braverman, Esq.

Title: Senior Vice President for Legal Affairs and General Counsel

Signature: Peter E. Braverman

S:\AWE\CEDAR\42029\CFR.519

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REVOCATION OF PRIOR POWERS AND NEW POWER OF ATTORNEY

Assistant Commissioner for  
Patents  
Washington, DC 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8  
I hereby certify that this document is being deposited on this date with the U.S.  
Postal Service or the carrier used in an envelope addressed to: Assistant  
Commissioner for Patents, Washington, DC 20231.

*Shelley B. Miller* Date 5-2-01

Honorable Sir:

Cedars-Sinai Medical Center, having a place of business at 8700 Beverly Boulevard, Suite 2112, Los Angeles, California 90048-1000, and being the owner of the entire right, title and interest to the patent applications identified on the attached list, hereby revokes all previously given powers of attorney for the patent applications listed on attached sheet, and hereby appoints the following:

Attorney

Registration No.

Edward G. Poplawski	33,438
Dentee L. McKenzie	43,780
Natan A. Steinberg, Ph.D.	40,348

All of whom are members in good standing of a state bar, and are members of the law firm of Sidley Austin Brown & Wood, 565 West Fifth Street, Los Angeles, California 90013-1010 at (213) 800-5000, its representatives with full power of substitution and revocation, to transact all business in the United States Patent and Trademark Office connected therewith.

Effective immediately, please change the correspondence address related to the identified patent applications on the attached sheet:

cc: Pretty, Schroeder, et al.  
444 South Flower Street  
Los Angeles, California 90071

to: Edward G. Poplawski, Esq.  
Sidley Austin Brown & Wood  
565 West Fifth Street  
Los Angeles, California 90013-1010

and direct all future correspondence to the above address; and refer all telephone communications to Edward G. Poplawski at (213) 800-5001.

CEDARS-SINAI MEDICAL CENTER

Date: May 2, 2001, 2001

By: Peter E. Braverman  
Peter E. Braverman  
Senior Vice President for Legal Affairs and General  
Counsel

CEDARS-SINAI MEDICAL CENTER

Application No.	Filing Date
0 [REDACTED]	[REDACTED]
09/294,737	4/19/1999
09/145,586	9/2/1998
09/500,158	2/8/2000
09/168,349	10/7/1998
09/488,491	1/20/2000
09/545,428	4/7/2000
09/399,212	9/17/1999
09/280,181	3/29/1999
09/347,114	7/2/1999
08/566,313	12/1/1995
09/226,068	1/6/1999
09/191,920	11/13/1998
09/272,443	3/19/1999
09/311,599	5/13/1999
09/570,357	5/12/2000
09/292,723	4/15/1999
09/409,616	9/30/1999
09/307,230	5/7/1999
09/353,004	7/13/1999
09/605,176	6/28/2000
09/581,456	6/12/2000

Application No.	Filing Date
09/491,500	1/26/2000
09/615,854	7/14/2000
09/488,191	1/20/2000
09/374,143	8/11/1999
09/374,142	8/11/1999
09/122,876	7/27/1998
09/481,084	1/11/2000
08/894,251	7/23/1999
09/569,956	5/12/2000
09/687,911	10/13/2000
09/730,469	12/4/2000
09/327,138	6/7/1999
09/513,059	2/24/2000
09/530,611	4/28/2000
09/235,710	1/22/1999
09/546,119	4/10/2000
09/420,046	10/18/1999